

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

**MEMO ENDORSED**

----- X  
NEW YORK HELICOPTER CHARTER, INC. and :  
MICHAEL ROTH individually :

Plaintiffs :

-against- :

AIR PEGASUS HELIPORT, INC, HUDSON RIVER :  
PARK TRUST and the FEDERAL AVIATION :  
ADMINISTRATION :

Defendants :  
----- X

: 07 Civ. 4069 (MGC)

**NOTICE OF MOTION**

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 3/10/08

PLEASE TAKE NOTICE that upon the Amended Complaint in this action dated

December 28, 2007 attached hereto, the Memorandum of Law in Support of this Motion, dated January 21, 2008, the Declaration of Leon Friedman dated January 18, 2008 with attached exhibits and upon all the pleadings and proceedings heretofore had herein, the undersigned will move this court, at the Courthouse at 500 Pearl Street, New York, N.Y, at 9:30 A.M. on the 14<sup>th</sup> day of February, 2008, or as soon thereafter as counsel can be heard, for dismissal of each of the causes of action in the complaint alleged against Defendant Air Pegasus Heliport, Inc. pursuant to Fed. Rules of Civil. Proc. 12(b)(1) and (6) for lack of jurisdiction over the subject matter and failure to state a claim upon which relief may be granted and for such other and further relief as this Court may deem just and proper.

*Motion to dismiss complaint granted. Plaintiff given leave to file an amended complaint by no later than April 30, 2008. For oral opinion, see record of proceedings.*

*So ordered.*

*March 6, 2008*

*3/*

*United States District Judge*